THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27932 of 2005

Date:29.12.2005

Between:

G.Narayana Rao and another

--------PETITIONERS

The Dy. Commissioner of Endowments and another.

---------RESPONDENTS

ORDER:

The petitioners are appointed as Attenders in Sri Venkateswara Swamy Temple, Karepalli, Khammam District initially on N.M.R. basis and thereafter, with regular scales of pay. Through proceedings, dated 23.12.2005, the Executive Officer of the Temple terminated the services of the petitioners on the ground that the establishment expenses of the temple have exceeded 60% of the assessable income. The petitioners challenge the same.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

Section 57 (2) of A.P. Charitable & Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') mandates that the salaries of the religious institutions and secular establishments shall not exceed 30% of the annual income calculated under Section 65.

The impugned order discloses that the establishment expenditure in the temple concerned had exceeded 60%. After noticing the anomaly and violation of the mandatory provisions of the Act, the Deputy Commissioner of Endowments, Warangal had issued necessary directions to the Executive Officer of the temple to take necessary corrective steps. It was in this context that the petitioners, who are the last persons to be appointed, were terminated. The question of conducting any

enquiry or issuing notices does not arise in these cases, since it is not a punitive measure nor any stigma is attached. At the same time, the Executive Officer cannot be permitted to undertake any recruitment after terminating the services of the petitioners. In case the necessity for appointment in the temple arises and that the income thereof permits of such appointments, the petitioners shall be entitled to be taken into service.

With these observations, the writ petition is disposed of. No costs.

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29.12.2005

kdl